N THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO : 10999 of 2004

Between:

Palika Lakshman Rao s/o Thathabbai, aged about 49 yrs,

R/o Ambethkar nagar, Rajahmundry, E.G. District.

..... PETITIONERS

And

1. The Sub-Divisional Officer, Rajahmundry, E.G.District,
2. Inspector of Police, Rajhmundry Rural,Rajahmundry, E.G. Dist,
3. The Sub-Inspector of Police, Bommur Police Station, Rajahmundry rural, E.G. Dist.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in interfering the civil disputes relating to the land covered in survey No.327 an extent of Ac. 8.00 cts. On western side of Satyanarayanapuram, Pidimigoyya Gram Panchayat, Rajahmundry rural, E.G.District as illegal, arbitrary and without having any power and consequentially direct the respondents not to interfere civil dispute relating to land covered in surveyNo.327 on western side ofSatyanarayanapuram, Pidimigoyya Gram Panchayat, Rajahmundry rural, E.G.District.

For the Petitioner: MR. P.R.K. Amarendra Kumar, Advocate

For the Respondent No.: SPL GP FOR HOME

The Court at the admission stage made the Following :

ORAL ORDER

This Writ Petition is filed by the petitioner aggrieved by the action of the respondents in interfering with the petitioner's property to an extent of Ac. 8.00 in Survey No. 327 of Satyanarayanapuram, Pidimigoyya Gram Panchayat, Rajhmundry Rural, East Godavari District.

2. It is stated that there is a dispute between the Government and the private persons with reference to the land situated in Survey No. 327 and a suit was filed by the private parties and got a decree in their favour against the Government and the Government preferred appeal, which was dismissed by the Appellate Court, a Second Appeal was also filed by the Government in S.A.No. 1063 of 1985. The said Second Appeal was heard by the Division Bench of this Court and dismissed on 11-07-1997. It is stated that as per the observations of this Court in the above Second Appeal that out of Ac. 87.00 cts in Survey No. 327 only Ac. 29.38 cents belongs to the Government and the remaining land is a private land. The drainage canal passing through the Government Poramboku land in survey No. 327 which is western side of Satyanarayanapuram Colony. It is further stated that some unauthorized persons are trying to encroach the drainage canal and raise structures by way of filling the drainage canal. Therefore, the petitioner and other residents of the said Colony approached the revenue authorities as well as Gram Panchayat authorities complaining about the encroachments as well requesting them to take steps against unauthorized constructions on the drainage canal. As no action has been taken, the W.P.No. 24992/2000 was filed wherein an interim order was passed directing the respondents to take immediate steps to remove mud and other structure obstructing free flow of drainage water through its existing drainage canal on the Government Poramboku land admeasuring Ac. 8.00 cents comprising in Survey No. 327. In pursuance of the said order, the unofficial respondents stopped the construction on the drainage canal though initially. It is stated that recently i.e. on 18-06-2004 again certain constructions were started on the drainage canal. The said

fact was brought to the notice of the official respondents but no steps have been taken so far. Hence, the petitioner filed a Contempt Case No. 712 of 2004 before this Court. As the respondents did not take any action on the complaint of the petitioner, the present writ petition is filed by the petitioner.

3. Heard the learned counsel for the petitioner and the learned Government Pleader. Admittedly the disputes relating to the property where earlier also there were disputes before the Civil Court which came up to this court by way of Second Appeal and finally it was declared that part of the land in Survey No. 327 belongs to the private individuals and the remaining part belongs to the Government. Now the present dispute is also relates to the property with reference to the illegal constructions alleged to have been made by some encroachers. As the said dispute is of civil nature, it is not proper for the petitioner to allege that the respondents failed to take appropriate action on his complaint. As admittedly the dispute relates to the property, which is of civil nature, the petitioner can as well approach the competent civil court if the concerned Department officials did not take appropriate action.

4. The writ petition is accordingly disposed of with the above directions and observations.

(S. ANANDA REDDY,J)

Dated: 5-07-2004

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To

1. The Sub-Divisional Officer, Rajahmundry, East Godavari District,
2. The Inspector of Police, Rajahmundry Rural, Rajahmundry,E.G. District,
3. The Sub-Inspector of Police, Bommur Police Station, Rajahmundry Rural, E.G.Dist.
4. 2 CCs to the Govt. Pleader for Home, High Court of A.P.Hyderabad,
5. 2 CDs